

ORDINANCE NO. 2398

Repealed by 3481

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING ORDINANCE NO. 2346 AND ADOPTING A COMPREHENSIVE PLAN AMENDMENT TO THAT PORTION OF THE TEXT OF THE LAND USE POLICIES PLAN THAT CONCERNS PLANNED AREA 8: TOTEM LAKE.

WHEREAS, there has been filed with the City of Kirkland an application for amendment to the text of the Land Use Policies Plan as it concerns Planned Area 8; and

WHEREAS, said application was made pursuant to the authority and procedures described in Section 5 of Kirkland Ordinance 2346 adopting the Land Use Policies Plan, and

WHEREAS, an Environmental Checklist was prepared and amended and a Final Declaration of Non-Significance was made by the responsible official pursuant to the requirements of the Environmental Policy Act (RCW 43.21C; WAC Chapter 197-10; and Kirkland Ordinance No. 2319), and this was available throughout the entire review process; and

WHEREAS, said environmental information, accompanied by the Findings, Conclusions and Recommendations of the Department of Community Development accompanied said application and was made available to be considered by the Kirkland Planning Commission during the normal review and consideration process; and

WHEREAS, said advisory body held a public hearing on this application and has forwarded to the City Council a report with a recommendation for approval including Findings, Conclusions and Recommendations of the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Pages 396 and 397 of the Land Use Policies Plan adopted by Ordinance No. 2346 that concern Planned Area 8: Totem Lake are hereby amended to read as follows:

PLANNED AREA 8: TOTEM LAKE

Totem Lake and the surrounding lands are designated as a Planned Area. Permitted uses may include limited commercial and small offices. Also allowed are medium density residential use of 10 to 14 dwelling units per acre. Development criteria are listed.

Totem Lake and the surrounding wetlands have been identified as a natural constraint area. These lands have been noted as being subject to possible uneven settlement and have been designated by the Federal government as a flood hazard zone. Additionally, the lake and wetlands area are to be maintained as functioning elements of the natural drainage system (see Natural Elements Policy 4 and Public services/Facilities: Drainage Policy 1). To protect the lake,



to provide visual open space, because most of the land is in a single ownership and considering the natural constraints, the area has been designated a Planned Area. Possible uses would include limited commercial and small office uses. Also permitted would be medium density residential use at 10 to 14 dwelling units per acre. All developments will be subject to the following conditions:

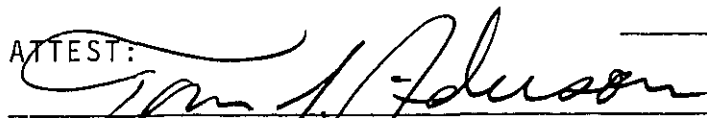
- (1) Developments are to be part of a plan encompassing all of the Planned Area.
- (2) The assured maintenance of the lake and wetlands as a natural water retention and cleansing system will be required (see Natural Elements Policy 4 and Public Services/Facilities: Drainage Policy 1).
- (3) The lake is to remain as a visual focal point for the area.
- (4) No construction over the lake will be permitted.
- (5) No fill for structures or parking will be permitted within a reasonable distance from the lake.
- (6) The water surface area of the lake is not to be reduced.
- (7) Lands which have been encumbered with a dedication of open space or development rights to the City may not be included in residential density computations.


Section 2. To the extent that they support the above described amendment, the City Council hereby adopts by reference the relevant findings, conclusions and recommendations of the Planning Commission.

Section 3. This ordinance shall become effective five (5) days from and after its passage, approval and publication.

PASSED by the City Council of the City of Kirkland and signed in authentication thereof by the Mayor at a regular meeting of said Council held this 10th day of July, 1978.

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)


Mayor

Approved as to form:


City Attorney



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE June 29, 1978
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION _____
CITY COUNCIL AS INCORPORATED IN _____

David Russell
David Russell, Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER Ord. No. 2398
DATE _____

FILE NUMBER TA-CPA-78-28(P)

APPLICANT PATRICK CARROLL/TOTEM LAKE, INC.

PROPERTY LOCATION NE. intersection of Kingsgate Way & 120th Ave. N.E.

SUBJECT TEXT AMENDMENT & COMPREHENSIVE PLAN AMENDMENT TO ALLOW MULTI-FAMILY RESIDENTIAL.

HEARING/MEETING DATE JULY 10, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Zoning "D" Land Use "E" Approved Plat of Totem Lake South "F" Environmental Info. "G" Rev. to Land Use Policies Plan "H" Revision to Zoning Text

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Comprehensive Plan Amendment concerning Planned Area No. 8, which is located generally in the northeast intersection of Kingsgate Way and 120th Ave. N.E. This Planned Area is also bounded on the southeast by the Burlington Northern right-of-way. (See Exhibits "B" - Vicinity Map and "D" - Land Use).
2. The applicant proposes to modify the Land Use Plan and Zoning with respect to Planned Area 8 so as to allow multi-family residential. The corresponding density would be 10-14 dwelling units per acre. (See Exhibit "A" - Application) The acreage of Planned Area No. 8 is approximately 27.6 acres, although Tract A (Totem Lake itself and surrounding area), is approximately 18 acres and, due to plat restrictions, may not accommodate uses of any kind, residential or otherwise. Lots A, B, and C, identified on the zoning map (Exhibit "C") were created by a previous Informal Subdivision. Application has been made for commercial uses on Lot B, while Lot A is a bank property. It is expected that Lot C would also develop in a commercial use. Development of about 100 dwelling units could occur on lots 1 through 5 and Tract B and identified in Exhibit "E". This would yield in the range of 180-200 people.
3. The responsible official made a preliminary finding of non-significance on May 10, 1978. After waiting 15 days, the responsible official entered a final declaration of non-significance on May 26, 1978. Also, an Environmental Impact Statement was written on the Land Use Policies Plan and zoning amendment which established Planned Area 8 with permitted uses of restaurant and office. (See Exhibit "F" - Environmental Information).

B. HISTORICAL BACKGROUND:

4. Prior to May 16, 1977, the subject property was zoned Light Industrial. As a result of the adoption of the Land Use Policies Plan and Zoning Text and Map Amendments on that date, Planned Area 8 was created with permitted uses of limited commercial and offices.

On June 5, 1978, the Kirkland City Council approved Resolution No. R-2529 granting the Final Subdivision of Totem Lake South for a portion of the subject property (See Exhibit "E" - Final Plat of Totem Lake South). Lots A, B, and C indicated on the zoning map (Exhibit "C") were created by a prior Informal Subdivision. One of the items specifically noted during the public hearing on the Formal Subdivision by the Kirkland Planning Commission was a concern that the steep slope areas on the northern part of the planned area be looked at very closely with any subsequent development permit application. Also, the air space and view above Tract "A" (see Exhibit "E") were dedicated to the City of Kirkland by the plat of Totem Lake South.

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Statements of Fact, Cont'd

C. GOVERNMENTAL COORDINATION:

5. Kirkland Fire Department, Public Service Department, Parks Department, Building Department, Police Department - No objections to the Comprehensive Plan Amendment were voiced by any of these Departments.

D. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The land immediately surrounding Totem Lake is relatively flat with increasing grades on the northern portion of the property. Lands in the vicinity of Tract B and Lots 3 and 4 exhibit relatively steep contours, some approaching 30%. Some of these slopes are mapped as environmentally sensitive or potentially unstable lands.
7. Soils/Geology/Hydrology/Water Quality/Vegetation/Wildlife. Totem Lake serves as a retention facility for a large drainage basin in the immediate neighborhood. The shoreline is ill-defined and contains a large amount of vegetation growing on its border, primarily cattails and swamp willow. The large easterly portion is covered with fallen logs, primarily dead cottonwood, swamp willow, and a few cedar.

The dead and decaying organic material in Totem Lake plus the high degree of sedimentation (partly organic material) has caused rapid cultural eutrophication with high biological oxygen demand and resultant low dissolved oxygen. Nevertheless, Totem Lake is a thriving wildlife sanctuary. An abundant number of species of wild ducks winter and breed there. Redwing Blackbirds and swallows also nest there. Small creatures such as turtles and muskrats have also been observed. Warmwater fish also abound including some bass and catfish.

E. PUBLIC UTILITIES:

8. Streets. Planned Area 8 fronts onto Kingsgate Way N.E., 120th Ave. N.E., and the proposed right-of-way of Totem Lake Way. Current average daily traffic for Kingsgate Way N.E. in this vicinity is approximately 14,275 vehicle trips per day. For 120th Ave. N.E., the figure is 4,716 vehicle trips per day. Current traffic levels on Totem Lake Way itself are negligible.
9. Pedestrian Ways. There are no existing sidewalks on Kingsgate Way N.E. or 120th Ave. N.E. Nearby pedestrian destinations would include the Totem Lake Mall to the west of the subject property as well as Evergreen Hospital and related medical offices off further to the north and northwest (see Exhibit "D" - Land Use).

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Statements of Fact, Cont'd

- E. 10. Domestic Water. At the present time there is an existing water main in 120th Ave. N.E., which could serve the subject property.
11. Sanitary Sewer. There is an existing 10" sanitary sewer line along 120th Ave. N.E. which could serve the subject property.
12. Storm Sewer. Storm sewer catch basins from the subject property and Totem Lake Way would be discharged into Tract A - Totem Lake proper and associated wetlands). There are two 48" drainage outlet pipes at the southwest corner of Totem Lake.
13. Schools. The existing schools serving this area include John Muir Elementary which is currently operating above capacity by use of portables. Kamiakin Jr. and Juanita Sr. High Schools are both operating slightly below capacity.
- F. NEIGHBORHOOD CHARACTERISTICS:
14. Zoning. The subject property is currently zoned Planned Area 8. Permitted uses include limited commercial and professional office uses. (See Exhibit "C" - Zoning). Lands to the south-west, west and northwest of the subject property are zoned BC. Lands immediately to the east as well as to the southeast, across the Burlington Northern railroad tracks, are zoned Light Industrial. Lands to the north, northwest of the subject property are zoned RM-3600, (the site of the existing Madison House Complex.) Lands to the north-northeast of the subject property are zoned RS 35,000 and are mostly undeveloped.
15. Land Use. The subject property is presently undeveloped excluding that portion of Totem Lake Way which was previously constructed. The adjacent properties surrounding the proposed plat is mixed and varied and includes upper Totem Lake Mall, an elderly housing project to the northwest (Madison House), with Evergreen Hospital being located further to the north. To the northeast are two undeveloped tracts and the subject property abuts against the southernmost extension of the Salish Village open space area. The subject property is bounded by Burlington Northern Railroad to the southeast, across which lie Light Industrial uses including the Sparks Industrial Park. Directly to the south of Kingsgate Way N.E. is a new service station/car wash and two new restaurants (VIP's and Pizza Hut). To the west of the subject property is a service station and the original Totem Lake Mall. (Refer to Exhibit "D" - Land Use).
16. Public Recreation/Open Space. No public parks are located within the immediate vicinity of the Planned Area, however, a portion of it does abut against the dedicated and required open spaces of Salish Village to the northeast. Tract A of Totem Lake South (see Exhibit "E") includes the 4-acre Totem Lake and will be retained as permanent open space. At this time, no definite plans have been made for the use of the lake as either an active or passive recreational facility, but, at any rate, it will continue to serve as a visual open space for the foreseeable future.

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Statements of Fact, Cont'd

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

17. An amendment to the Land Use Policies Plan to allow residential use of the subject property would require a corresponding modification to the Kirkland Zoning Ordinance with respect to Planned Area No. 8. The applicants have proposed to insert wording to the effect that possible uses would include limited commercial, small office, and multi-family residential uses at a density of 10-14 dwelling units per acre.

In their application, they state that the reasons for making the proposed changes to the Land Use Policies Plan are as follows:

- a. To increase the area where multi-family use is allowed in Kirkland, which may help to meet the current high market demand for multi-family housing on the east side.
- b. To allow greater flexibility in potential land uses at Totem Lake and to promote a compatible mix of development adjacent to the shopping center, apartments, light industrial, and other neighboring uses.
- c. To mitigate traffic congestion which is already high on streets surrounding Totem Lake, by allowing multi-family residential use, which potentially produced less traffic than office and limited commercial use. Listed on Page 397 of the Land Use Policies Plan are a number of development criteria for the Planned Area. The applicants have pointed out that they do not propose or intend to delete or modify these criteria in any way. These criteria read as follows:
 - (1) Developments are to be part of a plan encompassing all of the Planned Area.
 - (2) The assured maintenance of the lake and wetlands as a natural water retention and cleansing system will be required.
 - (3) The lake is to remain as a visual focal point for the area.
 - (4) No construction over the lake will be permitted.
 - (5) No fill or structures or parking will be permitted within a reasonable distance from the lake.
 - (6) The water surface of the lake is not to be reduced.

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Statements of Fact, Cont'd

G. 17. (Cont'd)

Moreover, the Kirkland Zoning Ordinance discusses Planned Area 8 on page 46.h. The applicants would add an additional line, No. 3, which would state: "Multi-family residential at 10-14 dwelling units per acre" beneath the column headed 'Planned Area Uses'. Under 'Development Permits Required', the zoning now states: "Either Planned Unit Development or Conditional Use Permit would apply." The applicants have not requested that this be modified. Lastly, reference is made to the relevant section of the Kirkland Zoning Ordinance depending on the use proposed, with either a CUP or a PUD. The appropriate reference, in keeping with the applied for amendment, would be to the RM chapter of the Kirkland Zoning Ordinance.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for Comprehensive Plan Amendment to allow residential multi-family use in Planned Area No. 8 is generally consistent with the other policies contained in the Land Use Policies Plan and the requirements of the Kirkland Zoning Ordinance.
2. The proposal to designate this property for 10 to 14 dwelling units per acre is consistent with the density designated for other multi-family lands in the Totem Lake Area. The retention of the special public review procedures, such as Conditional Use Permit or Planned Unit Development, is consistent with the concept that individual projects within the Planned Areas should be looked at very carefully on an individual detailed basis.

The addition of dwelling units in the range of 100 units with an associated increase of 180 to 200 people in the Totem Lake Area does not represent a significant environmental detriment to the area, given the alternative land uses now permitted by the plan and zoning.

3. The applicants have complied with all SEPA requirements and the absence of significant adverse environmental impact has obviated the need for an Environmental Impact Statement. Applicants should be aware that any subsequent proposal for a specific use of the property, as residential or other permitted uses, would be subject to individual Conditional Use Permit or Planned Unit Development applications, and each of these would be subject to a separate SEPA review. There was an Environmental Impact Statement prepared on the Land Use Policies Plan and zoning changes creating Planned Area 8. This was published in September of 1976 and revised in December.

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Conclusions, Cont'd

B. HISTORICAL BACKGROUND:

4. The action taken in May of 1977 to change the permitted uses around Totem Lake from Light Industrial to lesser intensity commercial uses represented a scaling down of the probable level of impacts on Totem Lake and surrounding areas. By adding an option for residential use of this same property it seems possible that this level of potential impact may be lesser yet.

C. GOVERNMENTAL COORDINATION:

5. No relevant conclusions.

D. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The steeper grades in the northern part of the subject property would represent a constraint for most types of land development, particularly industrial or other commercial or office development. It seems reasonable that residential development of some of this property would have less impact on the steep slopes than other types of uses. This is so because a greater percentage of the land may be given over to open spaces, and the smaller building form or module involved in residential construction could allow a more sensitive treatment of localized site constraints. A close examination and evaluation of these local site constraints should be the requirements of any subsequent application for development in these environmentally sensitive areas, whether the use proposed is residential or commercial.
7. Soils/Geology/Hydrology/Water Quality/Vetetation/Wildlife. The role that Totem Lake plays as a retention facility in the drainage basin should be protected and enhanced regardless of the type of use that locates on the subject property. The special review procedures, policy standards in the Land Use Plan, and SEPA procedures are designed to insure that the integrity of the lake is maintained to the maximum extent possible by any subsequent development of nearby properties. These natural components of the area should not represent any more of a constraint for residential type development than they do for the now permitted uses. In some ways, residential use of the property may provide a greater opportunity for individual appreciation of some of the natural characteristics of the land than would office or commercial uses.

E. PUBLIC UTILITIES:

8. Streets. The traffic impacts on the street pattern in the area could be expected to be very different if the developable land is committed to multi-family residential, as has been proposed, as opposed to commercial or office uses. The usual traffic volume peaks would be more pronounced with multi-family use than with commercial uses but the overall volume and higher volume throughout the day would be greater with commercial uses. The impact on 120th Ave. N.E. (4700 average weekday daily

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Conclusions, Cont'd

E. 8. (Cont'd)

trips) would be increased by about 2000 to 4000 if the developable lands are committed to commercial use. This compares with approximately 1,000 AWDT if that same land is committed to multi-family uses. Although the specific figures may vary depending on the type and nature of commercial use proposed, as well as the type and tenant profile or multi-family uses, this magnitude relationship still applies.

9. Pedestrian Ways. No relevant conclusions.
10. Public Utilities. The existence of adequate water, sewer, and storm sewer systems in the area to service any residential use has been established.
11. Schools. The creation of approximately 100 dwelling units on the subject property would create insignificant additional loads on the junior and senior high schools in the area. Some crowding may be expected of the elementary schools, however, this may be mitigated by already planned transfer of some students from John Muir Elementary to another school.

F. NEIGHBORHOOD CHARACTERISTICS:

12. Zoning. A residential use and building form on the buildable portion of the subject property would "fit in" with the established pattern of Madison House immediately to the northwest. That property is zoned RM-3600. Although undeveloped property immediately to the north is zoned RS 35,000, it could potentially also be zoned RM 3600. The Light Industrial and commercial zones to the west, south and east of the subject property would not be materially damaged by the existence of residential zoned and used property as proposed.
13. Land Use. As previously stated, the use of a portion of Planned Area No. 8 for multi-family residential at a density of 10-14 dwelling units per acre would not be detrimental to the commercial and industrial uses to the east, south and west, and may visually complement the established building form of Madison House immediately to the northwest. It has also been noted elsewhere that the traffic impacts from this land use on the subject property could be expected to have a lesser overall traffic impact on the existing street network than would commercial uses, although the morning and evening peaks might be more pronounced.
14. Public Recreation/Open Space. As previously noted, Tract A of the formal subdivision of Totem Lake South designates that this large chunk of land remain open. The issue of active recreational use of the lake area has yet to be resolved, but need not be prior to consideration of this application for amendment to the Comprehensive Plan. It is conceivable that the

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Conclusions, Cont'd

F. 14. (Cont'd)

use of residential building forms where there occurs a greater emphasis on smaller modules located more sensitively on the site, could contribute to a lesser number of parking stalls and building area resulting in more open or green areas. Any residential use of the subject property would also be required to provide the code required 200 square feet of useable recreation space on the property for each dwelling unit.

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

15. The amendments that the applicants propose to the Land Use Policies Plan would simply be to add "Residential Multi-Family use at a density of 10-14 dwelling units per acre" in addition to the commercial and office uses already permitted. The insertion of similar wording on page 46.h. of the Kirkland Zoning Ordinance would also be appropriate. The modifications to the zoning text would read as indicated in line (3) of the discussion of Planned Area #8 (See Exhibit "H").

Furthermore, although the Land Use Policies Plan currently refers to "limited commercial uses" in addition to office uses, there is no corresponding reference in the zoning text for Planned Area 8, except for "restaurants and offices". Consequently, it may be appropriate to further modify the zoning text to make reference to other commercial uses that could be applied for under a CUP or PUD procedure (See Line (4) in discussion of Planned Area 8 zone on Exhibit "H"). A reference to the Neighborhood Business (BN) zone seems appropriate as regards use, while a reference to Professional Office (PO) zone appears appropriate for dimensional requirements.

16. The large land parcel surrounding Totem Lake itself (Tract "A" on Exhibit "B" - Final Plat of Totem Lake South) may not be developed due to plat restrictions. Amendment to the text of the Land Use Policies Plan should indicate that no residential units may be located in Tract "A" nor may any residential density count for Tract "A" be applied against other lands in the Planned Area.

RECOMMENDATIONS:

Subject to the foregoing Findings of Fact and Conclusions and as identified in Exhibits "A" through "F", we hereby recommend approval of this application for Comprehensive Plan Amendment, subject to the following conditions:

1. Amended wording to the Land Use Policies Plan will be as indicated in Exhibit "G". New wording is underlined.
2. Amended wording to the text of the Kirkland Zoning Ordinance will be as in Exhibit "H". New wording is underlined.